

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAVEN MOSES, STARASHA MORRIS,
DWAYNE DALE, and ISMAIYL JONES,
individually and on behalf of themselves and all
current and former employees,

Plaintiffs,

- against -

GRIFFIN INDUSTRIES, LLC, MICHAEL SMITH,
Individually, WINSTON SMITH, *Individually*,
ANDREW MUNIZ, *Individually*, AARON MUNIZ,
Individually, DANE YEE, *Individually*, MARIO
LOPEZ, *Individually*, GRIFFIN SECURITY
SERVICES, CONSOLIDATED EDISON
COMPANY OF NEW YORK, INC., and
INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL 1430,
WORKFORCE1, NIQUE IRVING, and SEXTON
ALSTON,

Defendants.

18-CV-1200 (JGK)

NOTICE OF MOTION

PLEASE TAKE NOTICE that on the accompanying Memorandum of Law, Defendant
Consolidated Edison Company of New York, Inc. (“Con Edison”) will move this Court, before
the Honorable John G. Koeltl, United States District Judge, at the United States Court House,
500 Pearl Street, New York, New York, for an Order, pursuant to Fed. R. Civ. P. 12(b)(6),
dismissing the action in its entirety for failure to state a claim upon which relief can be granted,
and awarding Defendant Con Edison such other and further relief as the Court deems just and
proper. PLEASE TAKE FURTHER NOTICE that Defendant Con Edison respectfully requests
oral argument on its motion at a time and date convenient to the Court.

Dated: New York, New York
May 11, 2018

STEVEN M. SCOTTI
Attorney for Defendant Consolidated Edison
Company of New York, Inc.

Of Counsel:

By: /s/ Adam J. Smiley
Adam J. Smiley
4 Irving Place, Room 1820
New York, New York 10003
smileya@coned.com
212-460-3990

To: George T. Peters, Esq.
Law Office of George T. Peters, PLLC
2510 Valentine Avenue, 3rd Floor
Bronx, NY 10458